

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FIFTH THIRD BANCORP, an Ohio corporation, and
FIFTH THIRD BANK, an Ohio banking corporation,

Plaintiffs,

-against-

CERTAIN UNDERWRITERS AT LLOYD'S
SUBSCRIBING TO POLICY NUMBERS
B0509QA048710, B0509QA051310, AXIS
INSURANCE COMPANY, ACE INSURANCE
COMPANY, FEDERAL INSURANCE COMPANY,
CONTINENTAL INSURANCE COMPANY,
FIDELITY AND DEPOSIT INSURANCE COMPANY
and ST. PAUL MERCURY INSURANCE COMPANY,

Defendants.

Civil Action No. 1:14-cv-869

**DECLARATION OF WILLIAM J. BRENNAN IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER AS TO RULE 30(B)(6) NOTICES**

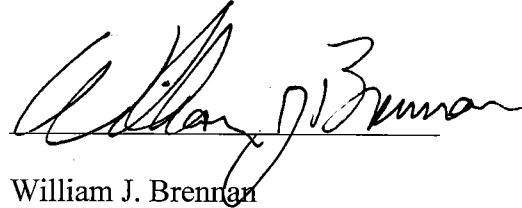
I, WILLIAM J. BRENNAN, hereby declare as follows:

1. I am an attorney admitted to practice, *pro hac vice*, before the District Court of the Southern District of Ohio as counsel for Defendants Certain Underwriters at Lloyd's subscribing to Policy Numbers B0509QA048710, B0509QA051310, and 81906760 ("Lloyd's"), AXIS Insurance Company ("AXIS"), and Federal Insurance Company ("Federal") (collectively, "Underwriters"). I respectfully submit this declaration, pursuant to 28 U.S.C. § 1746, in support of Underwriters' Motion for a Protective Order as to Rule 30(b)(6) Notices.

2. Attached hereto as Exhibit A is a true and correct copy of an email dated January 24, 2017, from counsel for Fifth Third.

3. Attached hereto as Exhibit B is a set of cover letters for productions of claims documents to Fifth Third. The letters, and the associated productions, were sent on February 26, 2016; March 16, 2016; March 18, 2016; and March 29, 2016.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on the 10th day of February, 2017.



William J. Brennan

EXHIBIT A

Brennan, William

From: Hammerman, Julie L. <JHammerman@ReedSmith.com>
Sent: Tuesday, January 24, 2017 12:37 PM
To: Losquadro, Christopher
Cc: Novak, Christopher; Brennan, William; 'dkamp@wgmlpa.com'; Brian D. Goldwasser (bgoldwasser@wgmlpa.com); 'jgelinas@fbtlaw.com'; 'bstrawbridge@fbtlaw.com'; 'sschmookler@gordonrees.com'; 'rripley@gordonrees.com'; Halbreich, David M.; Rea, Traci S.; Widin, Douglas R.; Mark Byrne
Subject: Fifth Third Bank

Dear Chris,

We are in receipt of Underwriters' Motion for Protective Order. Per my email of Friday, January 20th, we had hoped to respond to Underwriters' objections regarding deposition topics and discovery outstanding, so that the parties could narrow the issues in dispute. Fifth Third believes a meet and confer is still warranted, as we are not as far apart as your motion would indicate. The initial topic of discussion in the meet and confer session we proposed would have been to convey that Fifth Third agrees, based on reviewing your correspondence and the Court's rulings, to withdraw its requests for documents regarding reserves and other policyholder information and the associated 30(b)(6) topics. In addition, though we do not share Underwriters' recollection regarding an agreement to limit the Lloyd's depositions to Ace, if, as you indicate, discovery of the non-lead Syndicates would be "duplicative," Fifth Third is amenable to pursuing discovery only against Ace as lead underwriter, but Fifth Third can only agree to that process if Syndicates Nos. 2007, 1183 and 1086 will stipulate that they are bound by all of Ace's testimony, documents, positions, admissions, etc., produced in discovery.

We had been hopeful that we could resolve these issues without the involvement of the court, but that does not appear to be possible at this point. In light of the filing of the motion and the potential affect on the scope of depositions, do you agree that it makes no sense to go forward next week with the depositions as had originally been proposed, so as to avoid the potential for needing to convene them twice? Please advise us of your position in this regard.

Julie L. Hammerman

202.414.9271

jhammerman@reedsmith.com

Reed Smith LLP

1301 K Street, N.W.
Suite 1100, East Tower
Washington, DC 20005
202.414.9200
Fax 202.414.9299

* * *

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

Disclaimer Version RS.US.201.407.01

EXHIBIT B



February 26, 2016

Via Email and Overnight Mail

Mark J. Byrne, Esq.
JACOBS, KLEINMAN, SEIBEL & McNALLY
Cincinnati Club Building
30 Garfield Place
Cincinnati, OH 45202

Re: Fifth Third Bancorp, *et al.* v. Certain Underwriters at Lloyd's *et al.*
U.S. District Court, Southern District of Ohio (Western District)
Index No. 1:14-cv-00869
Sedgwick Ref. No.:02366-012525

Dear Mark:

Enclosed please find a CD containing the ACE Claim File (Bates Range: FTB-ACE-0000001 – FTB-ACE-00019322) and a CD containing the AXIS Claim File (Bates Range: FTB-AXIS-0000001 – FTB-AXIS-0001893).

The enclosed CDs contain information that is designated as confidential under the Stipulated Protective Order in the above-referenced matter. A privilege log will follow in due course.

In addition, please note that we will be producing additional responsive, non-privileged materials from Federal's claim file shortly.

Please contact me if you have any questions regarding the above.

Very truly yours,


Christopher J. Losquadro
Sedgwick LLP

Enclosure

Mark J. Byrne, Esq.
Re: Fifth Third Bancorp/Matthew P. Ross
February 26, 2016
Page 2

cc: w/enclosure

Scott L. Schmookler, Esq. *(via email & overnight mail)*
GORDON & REES, LLP
One North Franklin, Suite 8800
Chicago, IL 60606 -3422

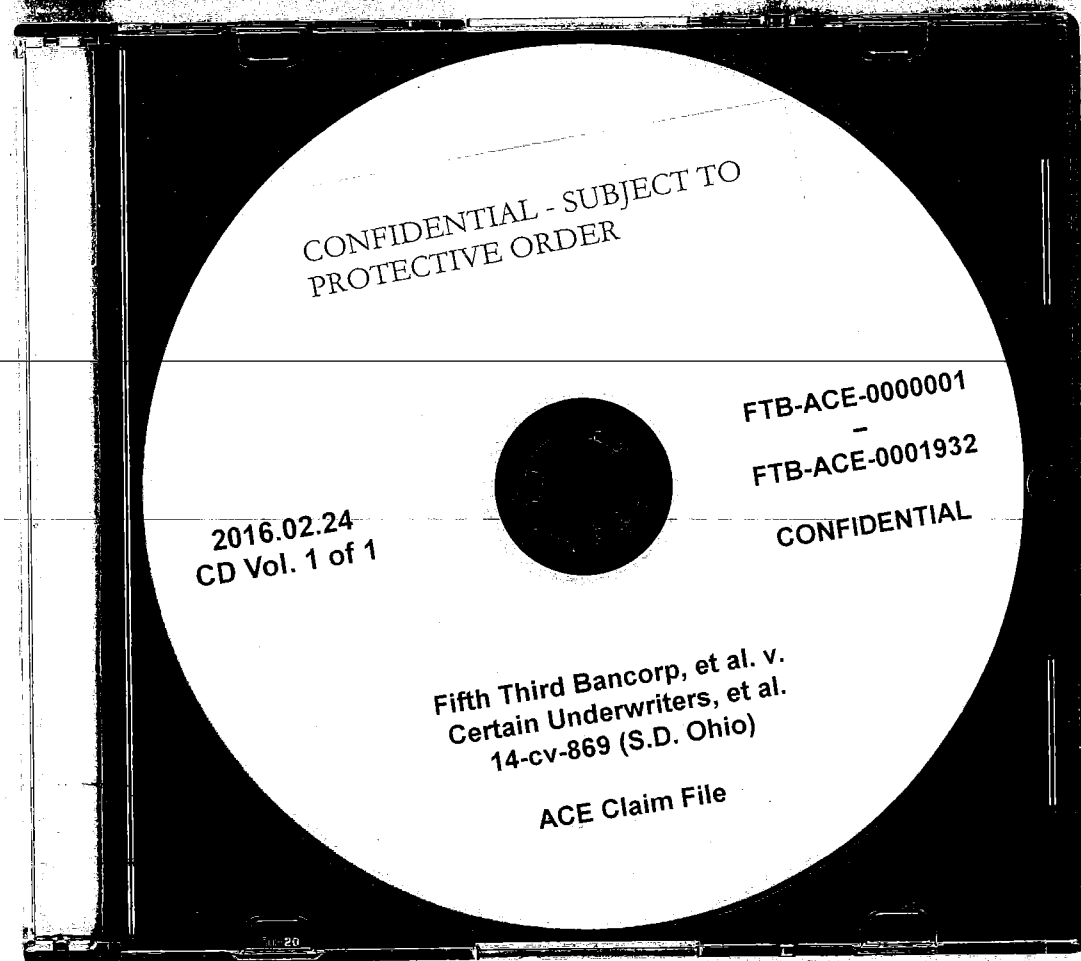
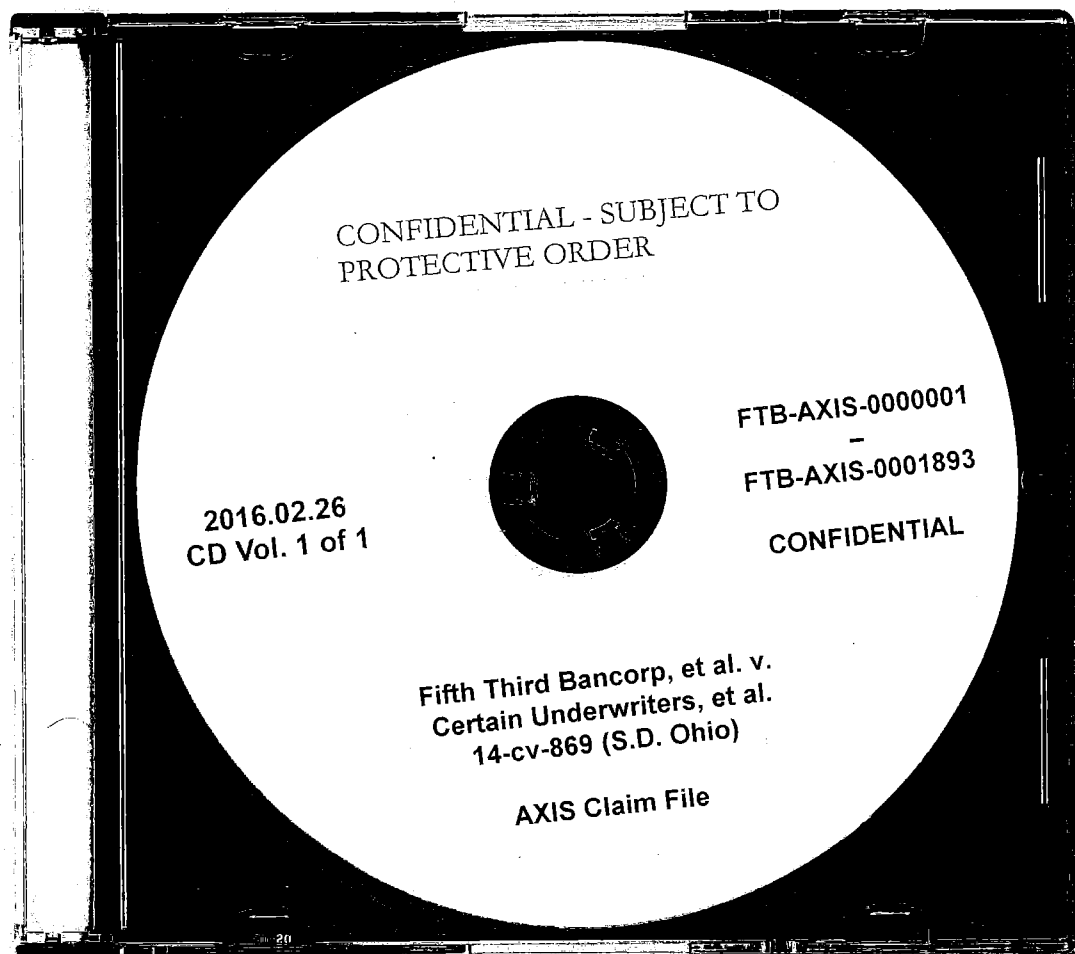
Julia Blackwell Gelinias, Esq. *(via email & overnight mail)*
FROST BROWN TODD LLC
201 N. Illinois Street, Suite 1900
P.O. Box 44961
Indianapolis, IN 46204-0961

cc: w/o enclosure

Charles E. Turnbull, Esq. *(via email)*
O'REILLY RANCILIO P.C.
12900 Hall Road, Suite 350
Sterling Heights, MI 48313

Robert W. Hojnosk, Esq. *(via email)*
REMINER CO., LPA
525 Vine Street, Suite 1700
Cincinnati, OH 45202

David Kamp, Esq. *(via email)*
Brian Goldwasser, Esq.
WHITE, GETGEY MEYER
1700 Fourth & Vine Tower
One West Fourth Street, Suite 1700
Cincinnati, Ohio 45202



Sedgwick_{LLP}

Christopher J. Losquadro
(212) 898-4078
christopher.losquadro@sedgwicklaw.com

March 16, 2016

Via Email and Overnight Mail

Mark J. Byrne, Esq.
JACOBS, KLEINMAN, SEIBEL & McNALLY
Cincinnati Club Building
30 Garfield Place
Cincinnati, OH 45202

Re: Fifth Third Bancorp, *et al.* v. Certain Underwriters at Lloyd's *et al.*
Venue: U.S. District Court, Southern District of Ohio (Western District)
Index No.: 1:14-cv-00869
Sedgwick Ref. No.: 02366-012525

Dear Mark:

Enclosed please find a CD containing the Federal claim file (Bates Ranges: FTB-Federal-ES-0000001 -- FTB-Federal-ES-0005492 and FTB-Federal-MM-0000001 - FTB-Federal-MM-0008259). The enclosed CD contains information that is designated as confidential under the Stipulated Protective Order in the above-referenced matter.

We are finalizing privilege logs for the ACE, AXIS and Federal claim files and will be providing them shortly.

Please contact me if you have any questions regarding the above.

Very truly yours,


Christopher J. Losquadro
Sedgwick LLP

Enclosure

Mark J. Byrne, Esq.

Re: Fifth Third Bancorp, *et al.* v. Certain Underwriters at Lloyd's *et al.*

March 16, 2016

Page 2

cc: (*w/enclosure*)

Scott L. Schmookler, Esq. (*via email & overnight mail*)

GORDON & REES, LLP

One North Franklin, Suite 8800

Chicago, IL 60606 -3422

Julia Blackwell Gelinis, Esq. (*via email & overnight mail*)

FROST BROWN TODD LLC

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Sterling Heights, MI 48313

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REMININGER CO., LPA

525 Vine Street, Suite 1700

Cincinnati, OH 45202

David Kamp, Esq. (*via email*)

Brian Goldwasser, Esq.

WHITE, GETGEY MEYER

1700 Fourth & Vine Tower

One West Fourth Street, Suite 1700

Cincinnati, Ohio 45202

**CONFIDENTIAL –
SUBJECT TO
PROTECTIVE ORDER**

**2016.03.14
CD Vol. 1 of 1**

**FTB-Federal-ES-
0000001 –
FTB-Federal-ES-
0005492**

**FTB-Federal-MM-
0000001 –
FTB-Federal-MM-
0008259**

**Fifth Third Bancorp, et al. v.
Certain Underwriters, et al.
14-cv-869 (S.D. Ohio)**

Federal Claim File



Christopher J. Losquadro
(212) 898-4078
christopher.losquadro@sedgwicklaw.com

March 18, 2016

Via Email and Overnight Mail

Mark J. Byrne, Esq.
JACOBS, KLEINMAN, SEIBEL & McNALLY
Cincinnati Club Building
30 Garfield Place
Cincinnati, OH 45202

Re: Fifth Third Bancorp, *et al.* v. Certain Underwriters at Lloyd's *et al.*
Venue: U.S. District Court, Southern District of Ohio (Western District)
Index No.: 1:14-cv-00869
Sedgwick Ref. No.: 02366-012525

Dear Mark:

Please find the enclosed CD containing the following items:

1. Supplemental productions relating to Ace's claim file (FTB-ACE-0001933- FTB-ACE-0002058) and AXIS's claim file (FTB-AXIS-0000297-FTB-AXIS-0000298) ; and
2. Privilege logs relating to Ace and AXIS's claim files.

The enclosed CD contains information that is designated as confidential under the Stipulated Protective Order in the above-referenced matter.

We are finalizing a privilege log for Federal's claim file which will be produced to you next week.

Please contact me if you have any questions regarding the above.

Very truly yours,


Christopher J. Losquadro
Sedgwick LLP

Enclosure

Mark J. Byrne, Esq.

Re: Fifth Third Bancorp, *et al.* v. Certain Underwriters at Lloyd's *et al.*

March 18, 2016

Page 2

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Scott L. Schmookler, Esq. (*via email & overnight mail*)

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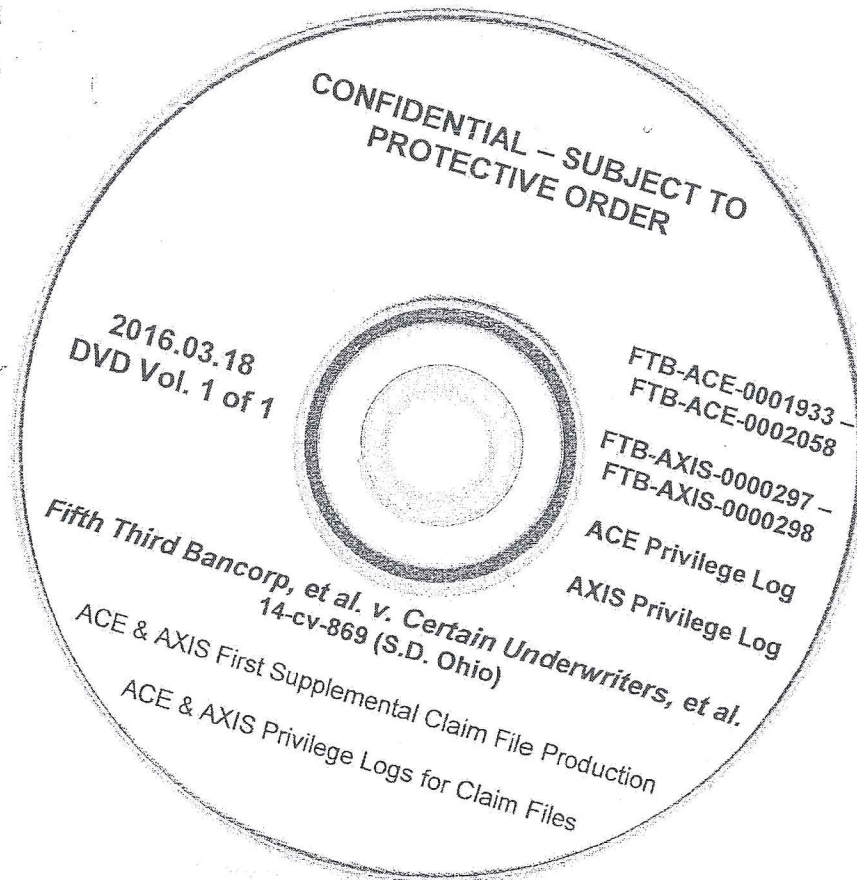
Brian Goldwasser, Esq.

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Christopher J. Losquadro
(212) 898-4078
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March 29, 2016

Via Email and Overnight Mail

Mark J. Byrne, Esq.
JACOBS, KLEINMAN, SEIBEL & McNALLY
Cincinnati Club Building
30 Garfield Place
Cincinnati, OH 45202

Re: Fifth Third Bancorp, *et al.* v. Certain Underwriters at Lloyd's *et al.*
Venue: U.S. District Court, Southern District of Ohio (Western District)
Index No.: 1:14-cv-00869
Sedgwick Ref. No.: 02366-012525

Dear Mark:

Please find the enclosed CD containing the privilege log relating to Federal's claim file. The enclosed CD contains information that is designated as confidential under the Stipulated Protective Order in the above-referenced matter.

Please contact me if you have any questions regarding the above.

Very truly yours,

Christopher J. Losquadro
Sedgwick LLP

Enclosure

Mark J. Byrne, Esq.

Re: Fifth Third Bancorp, *et al.* v. Certain Underwriters at Lloyd's *et al.*

March 29, 2016

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